



**OFFICE OF THE STAFF JUDGE ADVOCATE  
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL  
CLIENT SERVICES  
(270) 798-4432**

## **DOMESTIC VIOLENCE ORDER CHRISTIAN COUNTY, KENTUCKY**

### **Who Can Get a Domestic Violence Order?**

In Kentucky, a victim can get an order of protection, referred to as a Domestic Violence Order (DVO) if they meet certain criteria. Specifically, a victim must be a family member or a member of any unmarried couple.

- “Family member” means spouse, including a former spouse, a grandparent, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim.<sup>1</sup>
- “Member of an unmarried couple” means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who is living together or has formerly lived together.<sup>2</sup>

A family member or member of any unmarried couple who is a resident of Kentucky or has fled to Kentucky to escape domestic violence and abuse may file a petition.<sup>3</sup>

### **What if Your Client is not Eligible for a DVO?**

The definitions above leave a large gap for individuals that do not live together or have a child in common. You cannot get a DVO if you do not fall within the above definitions. It has been advised by court staff that if you do not fall within a definition above you can go to the County Attorney to report the incident and they may be able to assist.<sup>4</sup> The County Attorney will discuss the facts of the case, criminal offenses that may have been committed by the offender, potential penalties of applicable crimes, and other information as appropriate.<sup>5</sup> If the incident happened in Christian County, that may be an option. However, if the incident happened on Fort Campbell and CID is handling the investigation, there may be jurisdictional concerns with contacting the County Attorney. If this issue arises, the Sanctuary in Hopkinsville (see below beneath “Where Can You Get a DVO?”) may be able to provide the client with assistance.

### **What Information Must a Petition for a DVO Contain?**

- The name, age, address, occupation, and residence of the petitioner;
- The name, age, address, occupation, and residence of the person or persons who have engaged in the alleged act or acts of domestic violence and abuse;
- The facts and circumstances which constituted that alleged domestic violence and abuse;
- The date and place of the marriage of the parties, if applicable; and
- The names, ages, and addresses of the parties’ minor children, if applicable.<sup>6</sup>

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<sup>1</sup> Ky. Rev. Stat. Ann. §403.720(2) (LexisNexis 2014).

<sup>2</sup> Ky. Rev. Stat. Ann. §403.720(4).

<sup>3</sup> Ky. Rev. Stat. Ann. §403.725(1).

<sup>4</sup> Ky. Rev. Stat. Ann. §403.735(5).

<sup>5</sup> Ky. Rev. Stat. Ann. §403.743(1)(c).

<sup>6</sup> Ky. Rev. Stat. Ann. §403.730(1).

## **Where Can You Get an DVO?**

### **During Regular Business Hours**

- Christina County Circuit Clerks Office located at 110 West Elm, Hopkinsville, Kentucky
- M-W 0800-1600; TH 0800-1800; F 0800-1630
- Once you pass through security, go upstairs to the 2nd level and take a right. The door to the clerk's office will be on the left. Once you tell the receptionist that you are there for an order of protection or DVO, they will direct you into another room. The receptionist will state that the only individual that can go back in the room is the client, but advocate to go with him/her. There should not be an issue.

Upon receipt of a petition during regular business hours, the Deputy Circuit Clerk shall deliver the petition to any District Judge or Circuit Judge for consideration, and if appropriate, signature. The Deputy Circuit Clerk will first attempt to locate the local on-call Judge.

### **After Regular Business Hours and Weekends**

- Christian County Jail, Christian County Sheriff's Office, or Hopkinsville Police Department.
- If the victim is female, the victim can receive assistance and file a petition at Sanctuary, Inc. in Hopkinsville, Kentucky. The address is not listed. If you do not know where Sanctuary, Inc. is located, call (270) 885-4572.
- If the victim is male, the victim can receive assistance and file a petition at the Hopkinsville-Christian County Emergency Communications Center located at 116-A West First Street, Hopkinsville, Kentucky (270) 890-1300.

Upon receipt of a petition after regular business hours, the authorized agency/officer shall contact the on-call Judge.

Regardless of when the petition is filed, petitions will be reviewed within an hour of presentation to a judge unless it is impossible due to unavailability.

## **What Happens Next?**

If the court determines that the allegations contained in the Petition indicate the presence of an immediate and present danger of domestic violence and abuse, the court shall issue, upon proper motion, ex parte, an emergency protective order (EPO).<sup>7</sup> At the time the EPO is issued, the court will set a date and time for a full hearing within 14 days.<sup>8</sup>

If the court determines that the allegations contained in the Petition DO NOT indicate the presence of an immediate and present danger of domestic violence and abuse, the court will set a date and time for a full hearing within 14 days. Importantly, an EPO will NOT be issued.

At the hearing, the petitioner will testify, under oath, regarding the facts and circumstances surrounding the need for the DVO. The petitioner will also be provided the opportunity to tell the Court which specified areas the petitioner would like the respondent excluded from. The respondent will have an opportunity to respond.<sup>9</sup>

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<sup>7</sup> Ky. Rev. Stat. Ann. §403.740(1).

<sup>8</sup> Ky. Rev. Stat. Ann. §RS 403.740(4).

<sup>9</sup> See Ky. Rev. Stat. Ann. §403.747.

If the respondent does not show up to the hearing and he/she was properly served, the respondent is deemed to waive, until and unless another hearing is set, any objection to the petitioner's request.<sup>10</sup>

### **What if the Respondent Violates the DVO?**

Any person alleging violation of a DVO is permitted to file a request for a Forthwith Order of Arrest, a Civil Show Cause Motion or a Criminal Complaint for a Criminal Violation of an EPO/DVO.

- **Forthwith Order of Arrest:** Can be filed with the Christian County Circuit Clerk's Office during office hours and the Hopkinsville-Christian County Emergency Operations Center of Sanctuary, Inc. after office hours. The procedure to present to a Judge is the same for filing the initial petition.
- **Criminal Complaint for Criminal Violation of and EPO/DVO:** Contact the Hopkinsville-Christian County Emergency Operations Center (i.e. "911"). The on-call Christian County Attorney will complete the necessary paperwork for signature by the on-call Judge. Any warrantless arrests by a police officer shall be treated as a Criminal violation of an EPO/DVO.

### **For more information or assistance:**

**Christian County Attorney's Office (270) 887-4114:** Has attorneys to assist victims to acquire the protection they request and to discuss potential criminal charges relating to the underlying incident.

**Sanctuary Spouse Abuse Center (270) 885-4572:** Assists victims to complete petitions, when requested. They also provide shelter and counseling for victims.

**Army Family Advocacy Office (270) 412-5000:** Assists victims who are members of the military or who are dependents. They also provide counseling for victims who meet their requirements.

**Hopkinsville-Christian County Emergency Communications Center (270) 889-6541 or 911:** Responsible for assisting male victims after hours.

**Christian County Circuit Clerk's Office (270) 889-6541:** Assists victims to complete petitions, when requested.

**Department of Defense Christian County Task Force (ran through Sanctuary, Inc.) (270) 885-4572:** A task force set up under DoD to assure that members of the military and their dependents receive services. This task force also helps assure that there is a consistency of services between Christian County, Kentucky, and Montgomery County, Tennessee.

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<sup>10</sup> Ky. Rev. Stat. Ann. §403.747(2)(b).